

CASE # 2009-59

RESOLUTION NUMBER 7-1

DENYING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
3372 WEST GRAND AVENUE, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **deny a conditional permitted use** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Fred Weber Inc.**, has petitioned the Sangamon County Board for a **conditional permitted use to allow for a temporary asphalt batch plant**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **November 19, 2009**, after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **deny the conditional permitted use**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

FILED

NOV 25 2009

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of December, 2009 that the request for a conditional permitted use to allow for a temporary asphalt batch plant on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 8th day of December, 2009.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN



JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

73

EXHIBIT A

The West 1203.70 feet of the property described as follows:

Tract 1: The South 224.70 feet of Lot 4 of W.H. Schwiering's Subdivision of the Southwest part of the Northwest Quarter and the West part of the Southwest Quarter of Section 16, Township 15 North, Range 5 West of the Third Principal Meridian; EXCEPT the West 16/12 feet thereof.

Tract 2: The South 107.05 feet of the North 126.41 feet of Lot 4 of W.H. Schwiering's Subdivision of the Southwest part of the Northwest Quarter and of the West part of the Southwest Quarter of Section 16, Township 15 North, Range 5 West of the Third Principal Meridian; EXCEPT the West 16 ½ feet thereof;

EXCEPT the West 1187 feet of the South 145 feet.

Situated in the County of Sangamon in the State of Illinois.

7-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 13 NAME: **Sam Montalbano**

DOCKET NUMBER: **2009-59**

ADDRESS: **3372 WEST GRAND AVENUE, SPRINGFIELD, IL 62711**

PETITIONER: **Fred Weber Inc.**

PRESENT ZONING CLASSIFICATION: **"I-2" General Industrial District.**

REQUESTED ZONING CLASSIFICATION: **"I-2" General Industrial District with a conditional permitted use to allow for a temporary asphalt batch plant.**

AREA: **5.09 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested CPU to allow for a temporary asphalt batch plant. The subject property is located among industrial uses and is located in a heavy industrial area. The proposed use has been in operation for over a year under a Temporary Use Permit and has been operated and designed so that public health, safety and welfare are protected.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial. Existing temporary use permit valid until February, 2010 to serve Macarthur Extension.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2009-59**
Fred Weber Inc.)
)
) PROPERTY LOCATED AT:
) **3372 West Grand Avenue**
) **Springfield, IL. 62711**

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **conditional permitted use** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **November 19, 2009** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **3372 West Grand Avenue, Springfield**, and more particularly described as:

See Exhibit A

76

Page 2

3. That the present zoning of said property is **"I-2" General Industrial District.**
4. That the present land use of said property is a **temporary asphalt batch plant.**
5. That the proposed land use of said property is **continued use for asphalt batch plant.**
6. That the requested **Conditional Permitted Use** of said property is **to allow an asphalt batch plant.**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
8. The evidence adduced at the hearing **does not** support the proposition that the adoption of the proposed **conditional permitted use** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **conditional permitted use** be **denied.**

Charles Chimento/cx
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Byron Deaner**, not to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied** which was duly seconded by **Judith Johnson**.
 The vote of the Board was as follows:

YES: Charles Chimento, Judith Johnson, Byron Deaner, Don Wulf, John Luchessi.

NO:

ABSENT: Peggy Egizii, Marvin Traylor.

Cyndi Knowles
 RECORDING SECRETARY